

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MERLENE DAYAN and ESTATE OF
RAYMOND DAYAN,

Plaintiffs,

- against -

LEONORA SUTTON a/k/a LENORA SUTTON,
ESTATE OF MAYER SUTTON, ISAAC
SUTTON, ALBERT SUTTON, MORRIS
SUTTON, ELIAS SUTTON a/k/a ELLIOT
SUTTON, MIDDLEGATE SECURITIES LTD.
and ABC Co., Inc. 1-10,

Defendants,

Case No. 20-CV-9563 (AKH)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Declaration of Jason Libou, dated April 29, 2021, and the exhibits annexed thereto, and the accompanying Memorandum of Law, defendants Albert Sutton, Elias Sutton a/k/a Elliot Sutton, and Middlegate Securities LTD, by and through their undersigned attorneys, will move this Court, before the Hon. Alvin K. Hellerstein, at the United States Courthouse, Room 14D, 500 Pearl Street, New York, New York 10007, at a date and time to be designated by this Court, for an order dismissing all Counts of the First Amended Complaint in this action with prejudice against the moving defendants pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: New York, New York
April 29, 2021

Respectfully submitted,

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